

1 CEY-01, An Unincorporated Association, Pro se
2 Dennis Gray, Administrator
3 C/o 954 Surrey Drive
4 Bonita, California state [91902]
5 non-domestic without US

FILED
08 APR 17 AM 9:20
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *[Signature]*

DEPUTY

6 **IN UNITED STATES DISTRICT COURT**
7 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 CEY-01, An Unincorporated Association)
10 Plaintiff)

CIVIL ACTION NO.

11 Vs.)

12 BANK OF AMERICA)
13 Defendant)

'08 CV U700 LAB LSP

17 **COMPLAINT FOR DAMAGES**

18 With Supplemental of Jurisdiction

19 Pursuant to 28 USC 1367

21 COMES NOW CEY-01, Plaintiff as above stated with the following Petition of
22 Complaint for Damages concerning the real property of the petitioner know as 1815 Sunrise
23 Bluff Drive, San Diego CA 92154. This Complaint for Damages is set forth on the following
24 grounds with;

27 **APPLICABLE LAW**

28 The following Applicable Statues are set forth in this as Mandatory Authority;

Mandatory Authority

28 U.S.C.A. 1367, 28 U.S.C.A. 1367(a), 28 U.S.C.A. 1367(e) (d), 11 U.S.C.A 362(C), 12 U.S.C. 3752(1), 12 U.S.C. 3755 12 U.S.C. 3752(3), 12 U.S.C. 3752(7), 12 U.S.C. 3758(1), 12 U.S.C. 3752(1), 12 U.S.C. 3758 (2)(A)(i), 12 U.S.C. 3758 (3)(A), Title 15 Fair Debt Collections Act, 28 USCA 1201(RESPA) Article 3 section 603 of the UCC

1

The Defendant's shall not be a bona fide purchaser at foreclosure with notice of any adverse claim pursuant to 12 U.S.C. 3752(1).

2

The Defendant BANK OF AMERICA did unlawfully violate Fair Debt Collections Act with foreclosure proceedings.

3

The Defendant's BANK OF AMERICA did unlawfully violate Article 3 section 306 of the Uniform Commercial Code foreclosure proceedings.

4

The Defendant's BANK OF AMERICA did unlawfully violate foreclosure proceedings conducted below true market value of the property owned by the Plaintiff.

5

The Defendant's BANK OF AMERICA did unlawfully violate C.C.C. 2924.3 foreclosure proceedings.

1 6.
2
3

4 The Defendant's BANK OF AMERICA did unlawfully violate C.C.C. 2924.3(d)
5 foreclosure proceedings.
6

7 WHEREFORE the plaintiff demands the following relief
8

9

- 10 1. The honorable court award compensatory damages to the plaintiff in the amount of
11 \$650,000 by entering a judgment against Defendant's BANK OF AMERICA
12
- 13 2. This honorable court issue a **Rule nisi to foreclosure**
14
- 15 3. Grant all relief this Court deems just and proper.
16

17 **VERIFICATION**
18

19 **(Affidavit)**
20

21 The undersigned Affiant CEY-01 by appellation does herewith swear, declare and affirm that
22 the Affiant executes this Affidavit with sincere intent and competently states the matters set
23 forth. I the undersigned being under oath and declare under penalty of perjury, that I do not
24 have an attorney to represent me in this case. Also that the contents are true, correct and not
25 misleading to the best of my knowledge.
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1 CEY-01, An Unincorporated Association, Pro se
2 Dennis Gray, Administrator
3 C/o 954 Surrey Drive
4 Bonita, California state [91902]
5 non-domestic without US

6 **IN UNITED STATES DISTRICT COURT**
7 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

8

9 **CERTIFICATE OF SERVICE**

10

11 I, Jason Gray certify that this pleading was served by U.S. Mail with adequate postage
12 there upon the Defendant, BANK OF AMERICA, by mailing a true copy to the Trustee Sale
13 Officer address of record below as follows:

14

15 This 17th day of April, 2008

16

17 Jason Gray
18 Jason Gray

19 Trustee Sale Officer:

20

21 **NDEX West, L.L.C.**
22 **15000 Surveyor Boulevard, Suite 500**
23 **Addison, Texas 75001-9013**
24 **(866) 795-1852**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CEY-01, Unincorporated Association

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

BANK OF AMERICA

County of Residence of First Listed Defendant Guilford
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

08 CV 0700 LAB LSP

(c) Attorney's (Firm Name, Address, and Telephone Number)

Dennis Gray, Administrator, C/o 954 Surrey Drive
Bonita, California state [91902], (619) 399-1066

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 875 Customer Challenge	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 380 Other Personal Property Damage	12 USC 3410	
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 950 Constitutionality of State Statutes	
			<input type="checkbox"/> 861 HIA (1395ft)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 DIWC/DIWV (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			<input type="checkbox"/> 710 Fair Labor Standards Act	
			<input type="checkbox"/> 720 Labor/Mgmt. Relations	
			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party	
			26 USC 7609	
			<input type="checkbox"/> 872 Civil Rights Act	
			<input type="checkbox"/> 873 Environmental Protection Act	
			<input type="checkbox"/> 874 Energy Allocation Act	
			<input type="checkbox"/> 875 Freedom of Information Act	
			<input type="checkbox"/> 876 Motor Vehicle Safety Act	
			<input type="checkbox"/> 877 Consumer Credit Act	
			<input type="checkbox"/> 878 Cable/Sat TV Act	
			<input type="checkbox"/> 879 Selective Service Act	
			<input type="checkbox"/> 880 Other Statutory Actions	
			<input type="checkbox"/> 881 Agricultural Acts	
			<input type="checkbox"/> 882 Economic Stabilization Act	
			<input type="checkbox"/> 883 Environmental Matters	
			<input type="checkbox"/> 884 Energy Allocation Act	
			<input type="checkbox"/> 885 Freedom of Information Act	
			<input type="checkbox"/> 886 Motor Vehicle Safety Act	
			<input type="checkbox"/> 887 Consumer Credit Act	
			<input type="checkbox"/> 888 Cable/Sat TV Act	
			<input type="checkbox"/> 889 Selective Service Act	
			<input type="checkbox"/> 890 Other Statutory Actions	
			<input type="checkbox"/> 891 Agricultural Acts	
			<input type="checkbox"/> 892 Economic Stabilization Act	
			<input type="checkbox"/> 893 Environmental Matters	
			<input type="checkbox"/> 894 Energy Allocation Act	
			<input type="checkbox"/> 895 Freedom of Information Act	
			<input type="checkbox"/> 896 Motor Vehicle Safety Act	
			<input type="checkbox"/> 897 Consumer Credit Act	
			<input type="checkbox"/> 898 Cable/Sat TV Act	
			<input type="checkbox"/> 899 Selective Service Act	
			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
			<input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate JudgmentCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
12 USC 3752 (1)Brief description of cause:
Wrongful foreclosure proceedings

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/17/2008

SIGNATURE OF ATTORNEY OF RECORD

CEY-01, Dennis Gray (Admin)

FOR OFFICE USE ONLY

RECEIPT # 149835AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

MS 4/17

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

**# 149835 - MS
* * C O P Y * *
April 17. 2008
09:10:57**

Civ Fil Non-Pris
USA#.: 08CV0700-LAB
Judge.: LARRY A BURNS
Amount.: \$350.00 CA

Total-> \$350.00

FROM: CEY-01, UNINCORPORATED ASSOC.